

Notice of Allowability

Application No.

09/887,022

Applicant(s)

DE CONINCK, VALERE
LEOPOLD, MARIE, PIER

Examiner

N. Bhat

Art Unit

1761

eb

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of December 11, 2003, re-submitted 4-19-2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 25 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

N. Bhat
N. Bhat
Primary Examiner
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DETAILED ACTION

1. Applicant's arguments and amendments have been fully and carefully considered. Applicant has traversed the 112, second paragraph rejection and accordingly the rejection is withdrawn. The phrase "characterized in that" has been allowed in a number of Patents by the PTO as pointed out by applicant, it was the examiner's preference not to have "characterized in that" language in the claim and to use --wherein-- as the claim better conforms with U.S. Chemical PTO Practice, the change was editorial in nature. The change in language was not to limit in scope the claim in any way. Similarly, with respect to the claims which has a range within a range using the linking term "preferably", as the examiner understands, the Office is now permitting this type of language, however, the examiner will still recommend or suggest to applicant for their own protection it would be better if the narrower range would be recited in a dependent claim depending from the claim which recite the broad range so there would be no problems in how the examiner interpreted the language of the claim if the case were to be litigated. Again, the rejection has been withdrawn and was not intended to narrow the scope of the claim it was for clarity purposes only. Applicant is thanked for making the changes regarding the range within a range.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Mr. Kendrew Colton on May 19, 2004.

The application has been amended as follows:

In the Claims:

Claim 20, line 1, second occurrence, delete "a" and insert -- an --

3. The following is an examiner's statement of reasons for allowance: The invention relates to an agglomerated starch-based product consisting of starch and maltodextrin wherein at least 80%w/w of the discrete particles of the agglomerated starch-based product are greater than 100 microns, and wherein each particle is an agglomeration of randomly distributed fine grains of starch and maltodextrin, and the agglomerated starch based product instantly disperses and simultaneously develops its full viscosity in a cold water containing liquid medium. The invention also provides for a dry mix for making food preparations wherein the dry mix comprises an agglomerated starch based product consisting of starch and maltodextrin and at least 80%w/w of the discrete particles of the agglomerated starch-based product are greater than 100 microns, and wherein each particle is an agglomeration of randomly distributed fine grains of starch and maltodextrin, and that the agglomerated starch-based product instantly disperses and simultaneously develops its full viscosity in a cold water-containing liquid medium. The starch based product consisting of starch and maltodextrin as claimed has not been taught either singularly or in combination by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Bhat whose telephone number is 571-272-1397. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



N. Bhat
Primary Examiner
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